

REMARKS

Regarding the status of the present application, Claim 1 has been amended and Claims 1-7 are pending in this application. Reconsideration of this application is respectfully requested. A Petition and fee for a one month extension of time is enclosed.

The disclosure was objected to because of an informality noted by the Examiner. Upon reviewing the application, another typographical error was found. The typographical errors are located in the paragraph starting at page 6, line 20, which have been corrected. Withdrawal of the Examiner's objection is respectfully requested.

Claims 1-3, 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,042,414 issued to Kunert in view of US Patent No. 6,123,309 issued to Sage. It is respectfully submitted that the Examiner has distorted and extended the teachings of the Kunert patent in order to reject the present invention.

The Kunert patent discloses a "docking apparatus for docking a portable data collection terminal in a vehicle comprises a housing which may be fixed to a surface in the interior of the vehicle, terminal cup mounted in the housing, and a pivoting front panel and a lever arm assembly. The lever, urged by a cam, causes the front panel to pivot and secures the data terminal in the docking apparatus for battery charging or data communication." [See Abstract]

It is respectfully submitted that the portable data collection terminal does not correspond to a portable computer as is presently claimed as was asserted by the Examiner. If this were so, the Kunert patent would not expressly provide for "data ports 14" that "may also provide interconnection between the data collection terminal and peripheral devices such as a radio transceiver, computer, printer, modem, or the like." Thus, the data collection terminal may be connected to a peripheral computer and is not a portable computer in itself.

It is respectfully submitted that the Kunert patent does not disclose or suggest that the docking apparatus connects directly to a vehicle audio system, as was admitted by the Examiner. There is no disclosure or suggestion of the use of an audio system in conjunction with the portable data collection terminal, or connecting an audio system to the portable data collection terminal. It is respectfully submitted that the Examiner's assertion that a "vehicle audio system can be considered as a radio transceiver since the vehicle audio system includes a radio" is in error. The term "audio" is not used in the Kunert patent.

The Kunert patent states that "Data ports 14 may also provide interconnection between the data collection terminal and peripheral devices such as a radio transceiver, computer, printer, modem, or the like." It is respectfully submitted that this radio transceiver is not part of a vehicle audio system, it refers to a telephonic device.

The portable data collection terminal is used to transfer data relating to business items. For example, the Kunert patent states that "Examples of such data communication include wireless links such as RF, cellular telephone, etc., whereby inventory, sales, or delivery information may be transmitted prior to the end of an operator's shift or completion of a route,

communication with a portable printer to provide a hard copy such as an invoice or delivery ticket, communication with a fax and/or modem, etc."

The Kunert patent states that the vehicle dock may be used with a NORAND® 6300 data terminal. This data terminal, according to the manufacturer's web site, may be used for parts marking and parts tracking in the aerospace industry, asset management, baggage handling and cargo in the commercial airlines industry, in-store stock management, parcel delivery, shipping and work in progress management, materials management, and warehouse management. None of these applications for the portable data terminal have anything to do with vehicle audio systems, or the like, nor is there any data transfer relating to vehicle audio systems discussed by the manufacturer or in the Kunert patent.

The Examiner stated that "the vehicle audio system can be considered as a radio transceiver since the vehicle audio system includes a radio." This statement is in error. A radio transceiver is a device that transmits and receives signals. A vehicle audio system only receives signals and therefore is not a transceiver. There is no analogy between a vehicle audio system and a transceiver.

The Examiner admitted that "Kunert, also, does not disclose a power cable and an audio cable for connecting the docking apparatus 10 to the power source and the audio system of the vehicle." It is respectfully submitted that the Kunert patent does not disclose or suggest the use of an audio system connected to the docking apparatus or the data terminal. The Examiner has extended the teachings of the Kunert patent beyond its express scope to reject the present invention.

The Examiner's position is that "Sage discloses a bracket 80 including a base 82 and an arm 84 for attaching a docking apparatus 1 to a vehicle. The official notice is taken that a bracket including a base and an arm for attaching an object to another object is well known." However, it is respectfully submitted that the Sage patent does not disclose or suggest anything regarding connecting a portable computer to a vehicle audio system.

Therefore, with regard to independent Claim 1, it is respectfully submitted that the Kunert and Sage patents, taken singly or together, do not disclose or suggest "Docking apparatus for use with a portable computer in a vehicle", or "an audio cable interconnects the docking cradle to a vehicle audio system". The only way for the Examiner to arrive at the present invention based upon the prior art teachings is to improperly use hindsight reconstruction using the teachings of the cited references in light of Applicants' own teachings.

In view of the above, it is respectfully submitted that the inventions recited in Claims 1-3, 5 and 6 are not disclosed or suggested by the Kunert or Sage patents, taken singly or together. Withdrawal of the Examiner's rejection and allowance of Claims 1-3, 5 and 6 are respectfully requested.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,042,414 issued to Kunert in view of US Patent No. 6,123,309 issued to Sage, and further in view of US Patent No. 5,555,491 issued to Tao. The Tao patent is cited as disclosing "a

docking station including a power cable 90 with a cigarette lighter adapter connector 88 to supply the power to the docking station."

It is respectfully submitted that the Kunert, Sage and Tao patents, taken singly or together, do not disclose or suggest the invention recited in Claim 1, and certainly not without the use of hindsight reconstruction. Therefore, dependent Claim 4 is considered patentable based upon the patentability of Claim 1 from which it depends. Withdrawal of the Examiner's rejection and allowance of Claim 4 are respectfully requested.

It appears that Claim 7 was not specifically rejected by the Examiner in view of any cited art. It is respectfully submitted that the Kunert, Sage and Tao patents, taken singly or together, do not disclose or suggest apparatus including an audio cable that permits audio playback of music files stored in the portable computer. Therefore, it is respectfully submitted that Claim 7 is patentable over the art of record, and based upon its dependence from allowable Claim 1. Allowance of Claim 7 is respectfully requested.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,



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